

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39975 of 2021

Arising Out of PS. Case No.-443 Year-2019 Thana- PHULWARISHARIF District- Patna

RAJESH KUMAR Son of Ram Sakal Mahto Resident of Village - Bantaspur
(Basantpur), Police Station - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Kumar-III, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2021 Heard Mr. Umesh Kumar, learned Advocate for
the petitioner and Mr. Vinod Kumar-III, learned APP for
the State.

The prayer for bail of the petitioner was earlier
rejected vide order dated 02.02.2021 passed in Cr.
Misc. No. 33450 of 2020.

The petitioner is in custody since 10.06.2020.

He is sought to be prosecuted in the present
case for the offences under Sections 354C, 385, 387
and 506/34 of the Indian Penal Code and Sections 8/12
of the POCSO Act.

It appears that the petitioner is said to have
taken photographs of the victim who at that time was a
minor and had been threatening to make such
objectionable photographs viral.



This Court had called for a report about the stage of the case from the court below which has since been received. It appears that except for framing of the charges, the trial has not progressed at all.

Regard being had to the nature of accusation against the petitioner especially that the threat given by him of uploading the objectionable photographs of the victim on social platform was never done and his period of custody which is about 1½ years, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Patna in connection with Spl. Case No. 80 of 2019, arising out of Phulwarisharif P.S. Case No. 443 of 2019.

In case, the petitioner is found to be threatening the witnesses or in anyway disturbing the pace of trial, his application for bail would be rendered liable to be cancelled.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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